

**REMARKS**

Claims 1-12 and 18-29 are presently pending and under examination. Claim 12 is amended herein. The amendment is fully supported by the specification and introduces no new matter. A terminal disclaimer to the term of U.S. Patent No. 6, 287, 609 is attached hereto.

**Claim 12 is Fully Supported by the Specification As-Filed**

Claim 12 stands rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Specifically, the claim is rejected on the basis that the prior amendment allegedly introduced new matter with the recitation “wherein the ratio of the dry weight of the xylose to that of the galactose is about 20:1.” Without conceding the point, Applicants have amended the claim, which now recites “wherein the ratio of the dry weight of the xylose to that of the galactose is more than about 25:1.” Clear support for this amendment may be found in the as-filed specification, for example at page 9, lines 8-11 wherein it is stated “[i]n a preferred embodiment, the ratio of weights of xylose to galactose is more than 25.”

Accordingly, the grounds for the new matter rejection are obviated and the rejection under 35 U.S.C. § 112, first paragraph must be withdrawn. Applicants respectfully request reconsideration and withdrawal of the new matter rejection.

**The Claims Have Been Made Subject to a Terminal Disclaimer**

Claims 1-12 and 18-29 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over the claims of United States Patent No. 6,287,609. Applicants have attached hereto a terminal disclaimer in accordance with the examiner’s direction. The grounds of the rejection therefore are obviated and it must be withdrawn. Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejection for these claims.

**DOCKET NO.:** WARF-0174 (P02355US)  
**Application No.:** 10/009,097  
**Office Action Dated:** November 15, 2004

**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**

**Conclusion**

Applicants respectfully assert that the claims are in condition for allowance. An early and favorable Action to that end is earnestly solicited. Applicants further assert that this amendment and the remarks herein are fully responsive to the outstanding Office Action and that there are no outstanding issues to allowance. The Examiner is invited to contact the Applicants' undersigned representative who may be reached at 215-557-5986 or by facsimile at 215-568-3439 to discuss the allowance of these claims.

Respectfully submitted,

Date: February 15, 2005

  
\_\_\_\_\_  
Scott E. Scioli

Scott E. Scioli  
Registration No. 47,930

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439